

Docket Number EH-10953

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Appl. No. 10/613,233

Reply to Office action of June 24, 2005

Remarks / ArgumentsSummary:

In the specification, at paragraph 18, line 21, the words "through supply line 34" are clearly an inadvertent error and have been deleted. The deletion does not introduce new matter.

Line 1 of paragraph 21 has been corrected by replacing "restrictor 36" with "restrictor 38". As is clear from the illustrations, feature 36 is the check valve, not the restrictor. Both the check valve and the restrictor are introduced correctly at paragraph 14. The correction does not introduce new matter.

Claim 3 stands rejected under 35 USC § 112, second paragraph as indefinite. Claims 1-14 stand rejected under 35 USC § 103(a) as unpatentable over Camboulives et al. (US 4,373,421) in view of Provenzano (US 4,858,427). Applicant respectfully traverses the rejections.

No claims have been amended or canceled. Claims 1-14 are pending in the application.

Rejections under 35 USC § 112:

Claim 3 stands rejected under 35 USC § 112, second paragraph as indefinite. The Examiner remarks that the specification doesn't seem to include a discussion of "buffering air" and therefore the Examiner is uncertain as to the scope of this language.

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Applicant respectfully traverses the rejection.

Paragraph 13 describes a buffer air supply tube that conveys compressed air from the engine flowpath to a location near the bearing compartment seal to buffer the compartment, i.e. to resist lubricant leakage out of the compartment. It is clear that "buffering air" is the air extracted from the gaspath for the principal purpose of buffering the compartment. Paragraph 15 discloses that a branch of the supply tube delivers some of the buffering air to the venturi intake port. Paragraph 17 discloses that the buffering air powers the venturi. In view of this disclosure, Applicant believes claim 3 is definite and respectfully requests withdrawal of the rejection under 35 USC § 112.

**Rejections under 35 USC § 103:**

Claims 1-14 stand rejected under 35 USC § 103(a) as unpatentable over Camboulives et al. (US 4,373,421) in view of Provenzano (US 4,858,427). The Examiner acknowledges that the primary reference, US '421, fails to disclose an emergency lubricator that functions under normal (non-emergency) operating conditions. The Examiner also correctly observes that the device of the secondary reference, US '427, has a secondary system that operates concurrently and in parallel with the primary system. The Examiner concludes that it would have been obvious to allow the device of '421 to operate at all times.

Applicant respectfully traverses the rejection.

One of the three requisites for establishing a *prima facie* case of obviousness is that there must be some

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suggestion to modify a reference or to combine reference teachings (MPEP 2143). However, such a suggestion is absent when a proposed modification would render the prior art device inoperable for its intended purpose. (MPEP 2143.01, In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984))

As explained in the accompany Declaration of Dr. J. Axel Glahn, modifying the device of US '421 to allow it to operate at all times (during non-emergency conditions as well as during emergency conditions) would render that device unsatisfactory for its intended purpose. Accordingly, no suggestion to make the proposed modification exists and so the rejection cannot be sustained.

**Request for Reconsideration:**

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections against claims 1-14 and allowance of those claims. The Examiner is invited to telephone Applicant's undersigned representative if it appears that a telephone discussion would help resolve any outstanding matters.



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